



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,253	03/12/2004	Michael Hamian	23122-1011	8216
29952 7590 11/26/2008 SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309				
EXAMINER				
HAIDER, FAWAAD				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,253

Applicant(s)

HAMIAN ET AL.

Examiner

FAWAAD HAIDER

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 3-24 in the reply filed on 8/08/08 is acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 3-23 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to a particular apparatus machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claims (3-23) are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis (2001/0047282) in view of Koppelman et al (6,662,164).

Re Claims 3, 24: Raveis discloses calculating commissions based, at least in part, on the value of the at least one transaction and a business rule stored in a table (see [0117]). However, Raveis fails to disclose importing data. Meanwhile, Koppelman discloses comprising: importing data related to a value of at least one transaction (see col.9, lines 56-65, Figure 3, Table 1). From the teaching of Koppelman, it would have been obvious to one of ordinary skill in the art the time of the invention to modify Raveis's invention with Koppelman's disclosure of importing data in order to "determine commissions easily and accurately (see Koppelman Abstract)."

Re Claim 4: Raveis discloses wherein: the business rule associates at least one variable with at least one condition, in the table (see [0117]).

Re Claim 5: Raveis discloses wherein: the variable is chosen from the group consisting of basis points or fees per transaction (see [0071, 0103, 0118]).

Re Claim 6: Raveis discloses comprising: calculating the commissions, at least in part, by multiplying the basis points and the value of the at least one transaction (see [0088]).

Art Unit: 3627

Re Claim 7: Raveis discloses wherein: the at least one transaction is a sale, lease or installation of a product; and the value of the at least one transaction is a number of transactions; the method comprising: calculating the commissions, at least in part, by multiplying the fees per transaction and a number of transactions (see [0221, 0223, 0244]).

Re Claim 8: Raveis discloses wherein: the condition is chosen from the group consisting of an age of an account, a date related to entry of the account into a program, and an achievement level related to the level of activity of the account (see [0083]).

Re Claim 9: Raveis discloses wherein: the date is either an account credit approval date or a date when an account starts processing transactions (see [0083]).

Re Claim 10: Raveis discloses wherein the condition is the age of the account, the method further comprising: calculating the condition prior to calculating the commissions; and determining a value of a variable in the table based on the calculation (see [0005, 0048]).

Re Claim 11: Raveis discloses wherein: the business rule comprises at least one condition on calculating commissions (see [0117]).

Re Claim 12: Raveis discloses wherein: the commissions comprises a plurality of commissions components; and the condition defines whether to calculate a commissions component. Raveis discloses comprising: calculating the commissions by calculating a plurality of commissions components; and summing the calculated commissions components. Raveis discloses further

Art Unit: 3627

comprising: calculating at least one commissions adjustment; and offsetting the summed commissions components by the at least one commissions adjustment to yield a net commissions (see [0028, 0225]).

Re Claim 15: Raveis discloses wherein calculating the commissions adjustments comprises: referencing a business rule in a table (see [0116]).

Re Claim 16: Raveis discloses comprising: calculating commissions paid for accounts that are not activated after a predetermined period of time after account approval, wherein the predetermined period of time is in the business rule in the table (see [0116, 0167]).

Re Claim 17: Raveis discloses wherein: the value of the transactions is chosen from a group consisting of net sales, net revenues and a net number of transactions (see [0237]).

Re Claim 18: Raveis discloses wherein: the commissions are calculated for a sales representative servicing at least one account (see [0048]).

Re Claim 19: Raveis discloses further comprising: storing the calculated commissions; and generating a statement summarizing the calculated commissions (see [0013-0015]).

Re Claim 20: Raveis discloses further comprising: receiving a business rule from a party; and storing the business rule in a table (see [0028]).

Re Claim 21: Raveis discloses further comprising: receiving a change to the business rule from the party; and changing the business rule in the table in accordance with the received change (see [0083, 0103, 0113]).

Re Claim 22: discloses wherein the commissions are calculated for a sales rep servicing an account, the sales representative being associated with at least one business rule in the table, the method comprising: calculating the commissions for a sales rep, at least in part, by applying a business rule associated with the sales representative (see [0090-0091]).

Re Claim 23: Raveis discloses wherein: the sales representative is associated with the at least one business rule by being associated with a compensation plan comprising a plurality of business rules and a party represented by the sales representative; and the sales representative represents the party (see [0091, 0095, 0190]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bosco et al (5,191,522) discloses an integrated group insurance information processing and reporting system based upon an enterprise-wide data structure. Shenoy et al (2002/0040304) discloses methods and systems for creating and managing capital asset business exchanges. Chao et al (2002/0169678) discloses a framework for processing sales transaction data. Lewis (6,513,019) discloses a financial consolidation and communication platform. Houle et al (2003/0204421) discloses an integrated system and method for insurance products. Khan (2004/0220884) discloses an intelligent internet bargaining system. Gryglewicz et al (6,993,502) discloses a transaction tax collection system and method. Enyart (2006/0041505) discloses a fee-based message delivery system.

Art Unit: 3627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627